

Sheppard, Marian

From: John Goulette [bonitacreekwaterguy@gmail.com]
Sent: Wednesday, September 01, 2010 5:14 PM
To: Sheppard, Marian
Subject: BCLHOA Constitution and Bylaws & 2004 Agenda
Attachments: 2004annualletter.pdf; BCLHOA By-laws 8-2005.pdf

Hi Marian,

Thank you for letting us know about the public hearing. I have attached the 2004 Agenda where you will see at the top that they had already changed the name to the BCPPA stating that the board had voted to change the name when, according to our by-laws, they were not authorized to do that, it must be a vote of the membership. Also attached are the By-Laws of the BCLHOA that state that meetings will be conducted in accordance with Roberts Rules of Order. The name change could not have been voted on by the members of the BCLHOA in 2005 as Mr. Glaunsinger stated because at that point there were no members of the BCLHOA. He had already changed the name and been operating as the BCPPA for over a year. It still comes down to the fact that NO MEMBERS EVER voted to change the name of the association. Mr. Glaunsinger altered the official agenda AND minutes to try and cover up the fact that the rules were not followed in this matter.

Currently the members of the BCLHOA are at 25+ members and a new board is being formed and if necessary there will be a lawsuit filed to force the BCPPA to return documents and funds that rightfully belong to it. The annual meeting for the BCPPA is this Saturday, Sept. 4th, and we should have a new board for them as well that will handle this matter internally.

If I can be of further assistance please don't hesitate to contact me. Thank you for your assistance.

John Goulette
928-978-2163

Dear Bonita Creek Property Owners,

By means of this letter we would like to invite you join us for the **Association meeting** to be held **Sat., Sept.4th at 4:00 pm at the Washburn residence** on Myrtle Point trail. There will be a special presentation that you won't want to miss! The meeting will be followed with a barbeque (hotdogs and hamburgers) and an excellent opportunity to interact with your neighbors . Please bring a side dish of your choosing.

The Board has voted to change the Association's name to **Bonita Creek Property and Preservation Association** to more adequately reflect its purpose and to keep the annual dues at \$65.00/ lot. Dues can be sent to Bonita Creek Property & Preservation Association, HC 7 box 271 R, Payson, Az 85541 by September 4, 2004 or you can contribute at the annual meeting.

It is evident from the list of primary accomplishments below that the Association has been very active again this year. The Association is trying to address those issues that are most important to the community and we NEED YOUR SUPPORT to continue our efforts.

- *Continued clearing of the 431 entrance road creating a more extended fire break.*
- *Community effort to clear private land and the hiring of a chipping service to remove and chip wood debris. These chippings are decaying nicely and will be useful next year as mulch to reduce property owners' outside watering needs.*
- *Maintenance of the Bonita Creek trail.*
- *Construction of 3 bridges across the creek to facilitate hiking the trail*
- *New rate structures for the Bonita Creek Water Company allowing the company to operate in the black and to schedule some long needed maintenance.*
- *Maintenance and improvement of the Bonita Creek website.*
- *New topping and grading of the Bonita Creek subdivision roads.*
- *Establishment of a Curtailment Tariff (water use alert).*
- *Documentation and clarification of Board Member responsibilities.*
- *Organization of all Bonita Creek records.*
- *Board approval for the Association name change.*
- *Continuation of Cooperative efforts with the Forest Service as well as the use of the Pearly pit for wood debris drop-off.*
- *Beginnings of an ATV plan to provide marked trails close to the subdivision for all riders.*
- *Beginnings of a water conservation plan to insure the careful use of one of our most precious resources.*
- *911 rural road name changes and distribution of home address numbers. (if you haven't received your BC address house number, you may pick it up at the annual meeting. This number must be posted on your property by the end of September).*

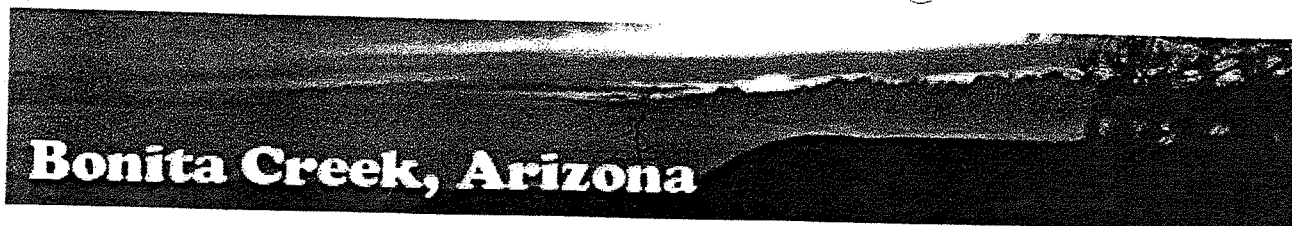
On the back of this letter is the agenda for the annual meeting. If you would like to place any additions to this agenda please e-mail your ideas to the list serve before the meeting by accessing the website.

Sincerely,

Bill Glaunsinger BCPPA President

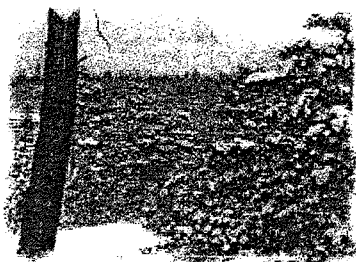
ANNUAL MEETING AGENDA
Bonita Creek Property and Preservation Association
Sept. 4, 2004 4:00 PM
Washburn residence, Myrtle Point Trail

- I. Call to order- Bill Glaunsinger
- II. Approval of June and August Board meeting minutes- Board
- III. Director's reports
 - A. Communications Director- Dave Kelley
 - B. Environmental Director- Marcia Viezens
 - C. Road Director- Fred Washburn
 - D. Water Director- Fred Washburn
- IV. Treasurer's report - Linda Soto.
- V. Old Business- Bill
 - A. Truck sale
 - B. Entrance sign
- VI. New business
 - A. Summary of water rights discussion with SRP- Bill
 - B. Fire prevention effort for 2004-05 year
 - 1. Continuation of 431 road clearing effort- Lorna Stulen-Glaunsinger
 - 2. Chippings available for community use as mulch- Lorna
 - 3. Fire protection clearing efforts by property owners- Marcia
 - 4. Possible purchase of a water trailer with pump for community fire protection- Bill
 - C. 911 addressing and new street name signs - Linda
 - D. ATV Plan - Bill
- VII. Election results- Lorna
- VIII. Adjournment- Bill



HOME Page

- Message from President and Board
- Fire Reports
- Payson Roundup
- Bonita List Server



Meetings and Docs

- Rain water harvesting
- Annual Mtg. Minutes
- Meetings and Docs
- Constitution & Bylaws
- Bonita Creek Water Cooperative
- Bonita Creek Water Company's Curtailment Plan

CONSTITUTION AND BYLAWS

OF

BONITA CREEK LAND AND HOMEOWNERS' ASSOCIATION

ARTICLE I-NAME

The name of this Association shall be Bonita Creek Land and Homeowners' Association

ARTICLE II- PURPOSE

The mission of the Association is to preserve the beauty and natural resources of the Bonita Creek area, protect the rights of everyone in the community, and to work cooperatively with all members of the community. Examples of this mission include:

Organization of volunteer efforts to address conservation and other ecological issues that are important for the preservation and enjoyment of the natural environment at Bonita Creek

Improvement of government and private services to the community, including fire protection and the grading of county roads.

Development of a mutually beneficial working relationship with federal, state, municipal and other funding agencies.

Accurate and timely reporting of information, meeting minutes, community actions, as well as county, state or federal agency communications.

ARTICLE III- ADMINISTRATION



Activities

- [Pictures of Bonita Creek](#)
- [Arizona All-Terrain Vehicle Laws \(PDF\)](#)
- [Small Pile Debris Burning Regulations \(PDF\) as of March 2004](#)

The governance of this Association shall be vested in a Board of Directors consisting of not less than three or no more than seven members, all of whom must be property owners at Bonita Creek. Members of the Board are to be elected at the annual meeting and serve a two-year term. The preceding members of the Board will work to ensure a successful transition of the Board of Directors.

Immediately following the annual meeting, the newly elected Board or Directors shall meet one or more times for the purpose of organization. Notice of Board of Directors' meetings shall be given by e-mail, mail, or by direct contact not less than ten days before the time of the meeting.

The Board of Directors shall meet when deemed necessary. The majority of the Board shall constitute a quorum.

The Board of Directors shall consist of not less than three members: the President (who will chair the Board), Secretary and Treasurer. Additionally, a Vice President and three Directors at Large may be elected to the Board. The Directors at Large shall have special responsibilities within the Association.

The Board of Directors shall ~~submit~~ ^{submit} items not in conflict with this constitution and bylaws that are to be voted upon by the Association members.

The Board of Directors shall elicit volunteers and make recommendations for appointment for absent or unexpired terms. The Board's appointment shall then be ratified by vote at the annual meeting or by ballot sent to the Association's members. In the event that a meeting of the Association is eminent, the Board may elect to use the nomination process available at the meeting to elect Board Members to fulfill absent or unexpired terms. The majority of votes cast by the Association members shall constitute ratification or election to the Board.

The Board of Directors may elect delegates to any organization or convention in which representation from the Association is desirable. Such delegates shall not commit the Association to any policy, action or expense without the written consent of the Board of Directors after a vote of approval by Association members at a Board of Directors meeting.

The Board of Directors has the authority to carry on routine matters within the general administration of the approved business of this Association. They do not have

the power to execute any policy involving new or unapproved ventures, which may in any way involve any members financially or legally. The Board of Directors is vested with the authority to engage in beneficial ventures subject to approval at a Board of Directors meeting

Committees shall be appointed by the Board of Directors. The President of the Association shall be an ex-officio member of all committees. The Chairperson of such committee may call meetings of committees at any time. A majority of a committee present shall constitute a quorum.

ARTICLE IV- MEMBERS AND DUES

All property owners whose names appear on the title of property in Bonita Creek Ranch, Bonita Creek Ranch 2, Bonita Creek and Bonita Creek Unit 2 Subdivisions of Bonita Creek Estates are qualified and eligible for membership in this Association, subject to the following:

They must protect their good standing by paying annual dues for the period of September 1-August 31. Only members in good standing will have voting privileges. The Board of Directors shall determine the amount of dues by the end of June and invoices will be sent out no later than July 15th. Dues will be payable on or before September 1st in order to be eligible to vote at the annual September meeting of the Association.

The Association dues shall be the same amount for all lots

Additional fees that may be necessary from time to time will be determined and justified by the Board of Directors.

Although no property owner is obligated to join this Association, each owner's membership is important to the Association's effectiveness; therefore owners are strongly encouraged to join the Association.

ARTICLE V-FINANCE

The Board of Directors shall select one or more institutions through which all financial matters are to be carried out in the name of the Association.

Annual proposed budgets will be prepared by the Treasurer, with input from the board of Directors, Committees and Association members, and be presented to the membership at the annual meeting.

All disbursements will be made by check or petty cash. The Board of Directors shall establish an account in the name of Bonita Creek Land and Homeowners' Association. Signatures of the President and the Treasurer are required on all disbursement checks. The President and the Treasurer are also required to sign and countersign on bank account signature cards.

All disbursements of \$300.00 or more shall be brought to the Board's attention, consideration, and vote. The majority of votes of members present shall constitute a quorum for approval or non- approval. Upon approval, the Treasurer is authorized to make the disbursement.

Disbursement for goods or services with an estimated value over \$500.00 must be put to bid. At least two bids should be obtained if possible. The Board's attention, consideration, and vote will be required once the bids have been presented and before disbursement by the Board is authorized and made by the Treasurer. In case of emergencies, the above process can be waived by Board approval.

There may come a time when a Board member may find it easier to make expenditures from their personal funds rather than from an Association check. In the event that this becomes necessary, receipts must be presented to the Treasurer and filed for reimbursement. The Treasurer will make these reimbursements within two weeks of presentation.

ARTICLE VI- MEETINGS AND ELECTIONS

The annual meeting of the members shall be held in September at such time and place as the Board of Directors may direct. Special meetings may be held at such time and place and in such manner as determined by the Board of Directors.

Notices of the annual meeting shall be sent at least 15 working days prior to such a meeting to the last known

address of each member as the name appears on the records of the Association.

The President or, in his/her absence, the Vice President, shall call meetings of the members to order and shall act as Chairperson. The Secretary of the Association shall act as Secretary at all meetings of the members. In his/her absence, the presiding officer may appoint any person to act as Secretary. All meetings shall be conducted in accordance with Roberts Rules of Order.

A majority of all members of the Association present at any meeting shall constitute a quorum.

Special meetings of the members of the Association may be called at any time by the Board of Directors and will be called by the Board of Directors upon petition of one third (33%) of the members entitled to vote.

The order of business of all meetings of the members and the Board of Directors shall be as follows:

Call to order

Approval of minutes of the last meeting

Reports of Committees

Treasurer's Report

Old Business

New Business

Election results

There will be one vote per membership per lot. Where two or more members own a lot they shall determine among themselves who is to cast the vote represented by said membership.

Except for Association work, solicitations for money, service or sales of tickets will not be allowed without prior approval of the Board of Directors.

The Board of Directors shall solicit volunteers and then appoint a Nominating Committee consisting entirely of non-Board members. The Nominating Committee shall

formulate a slate of proposed Directors for consideration. The Committee will also be responsible for preparing and mailing ballots describing the candidates and their background information as well as a statement of goals for presidential candidates. This shall be completed no more than 15 days before the annual meeting. The Nominating Committee will record the results of the vote. Ballots will be accepted as late as the start of the annual meeting.

ARTICLE V11-AMENDMENT

The Board of Directors may amend this constitution and bylaws at any annual or special meeting or by ballot sent to Association members' homes. Ratification by a majority of the respondents by ballot or a majority of the voting members of the Association present at any called meeting is needed for adoption. An absentee member may send a written vote to the Secretary prior to the regular or special meeting. Any amendment to this constitution and bylaws shall not in any way conflict with any property owner's specified or unspecified rights on property deed restrictions.

ARTICLE V111- MISCELLANEOUS

No list of member's names and addresses shall be disclosed to any agency, person or concern for commercial or real estate agency purposes by any officer or member entrusted with such a list. Any use of such a list shall constitute disbarment of the member from the Association.

All members shall be responsible to notify the Secretary of the Association of any address change as soon as possible.

Any member overdue in the payment of his/her dues shall lose his/her vote and shall not be counted until his/her dues are paid in full. Dues are payable on or before September 1st of each year.

No officer or member of this Association shall release any matter to the news media concerning this Association without written authorization from the Board of Directors. The Board of Directors shall approve a written copy of all news releases.

No member of this Association will appear before any government body or other groups to speak or represent this Association without written permission from the Board of Directors.